



Title V Operating Permit

Permit No: **TV-OP-018**

Date Issued: **September 15, 1999; Minor Permit Modification issued on April 9, 2001**

This certifies that:

Tractebel Power, Inc.
24 Bridge Street
Concord, NH 03301

has been granted a Title V Operating Permit for the following facility and location:

Pinetree Power - Tamworth
Route 41
West Ossipee, NH 03890-0233
Carroll County
AFS No. 3300300019

This Title V Operating Permit is hereby issued under the terms and conditions specified in the Title V Operating Permit Application filed with the New Hampshire Department of Environmental Services Air Resources Division (DES) on **June 27, 1996** and the supplemental information for the Title V application submitted on September 23, 1996 and March 9, 1998 under the signature of the following responsible official certifying to the best of their knowledge that the statements and information therein are true, accurate, and complete.

Responsible Official:

Russell F. Dowd
Plant Superintendent
(603) 323-8187 (Ext. 303)

Technical Contact:

Russell F. Dowd
Plant Superintendent
(603) 323-8187 (Ext. 303)

This Permit is issued by the DES pursuant to its authority under New Hampshire RSA 125-C and in accordance with the provisions of Code of the Federal Regulations 40 Part 70.

This Title V Operating Permit shall expire on **September 30, 2004**.

SEE ATTACHED SHEETS FOR ADDITIONAL PERMIT CONDITIONS

For the New Hampshire Department of Environmental Services, Air Resource Division

Director, Air Resources Division

TABLE OF CONTENTS

Permit Section Number	Title V Operating Permit Condition	Page Number
	Facility Specific Title V Operating Permit Conditions	
I.	Facility Description of Operations	4
II.	Permitted Activities	4
III.	Significant Activities Identification and Stack Criteria - Tables 1 & 2	4-5
IV.	Insignificant Activities Identification	5-6
V.	Exempt Activities Identification	6
VI.	Pollution Control Equipment Identification - Table 3	6
VII.	Alternative Operating Scenarios	6
VIII.	Applicable Operational and Emission Limitations	6-10
IX.	Emission Reductions Trading Requirements	10
X.	Compliance Demonstration Requirements -Monitoring and Testing Requirements -Recordkeeping and Reporting Requirements	10-20
XI.	Requirements Not Currently Applicable	20
	General Title V Operating Permit Conditions	
XII.	Issuance of a Title V Operating Permit	21
XIII.	Title V Operating Permit Renewal Procedures	21
XIV.	Application Shield	21
XV.	Permit Shield	21-22
XVI.	Reopening for Cause	22
XVII.	Administrative Permit Amendments	22-23
XVIII.	Operational Flexibility	23-24
XIX.	Minor Permit Amendments	24
XX.	Significant Permit Amendments	24
XXI.	Title V Operating Permit Suspension, Revocation, or Nullification	25
XXII.	Inspection and Entry	25
XXIII.	Certifications	25-26

Permit Section Number	Title V Operating Permit Condition	Page Number
XXIV.	Enforcement	26
XXV.	Emission Based Fee Requirements	26-27
XXVI.	Duty to Provide Information	27
XXVII.	Property Rights	27
XXVIII.	Severability Clause	28
XXIX.	Emergency Conditions	28
XXX.	Permit Malfunctions and Deviations	28-29

Facility Specific Title V Operating Permit Conditions

I. Facility Description of Operations:

The Pinetree Tamworth wood-fired electric power generating plant (“Pinetree Tamworth”) began operation in December of 1987 using a 25 megawatt (“MW”) turbine to produce electricity. The turbine generator is driven by steam produced in a 404.13 million British thermal unit per hour (mmBTU/hr) waterwall boiler. At the maximum firing rate (404.13 mmBTU/hr), the boiler produces approximately 220,000 lb/hr of steam at 700 psig and 900°F. The boiler is fired using approximately 47.5 tons/hour of wood chips with an average heating value of 4,250 BTU/lb, assuming approximately 50% moisture. The facility also operates a 745 horsepower (“hp”) emergency generator, which fires diesel fuel at a maximum rate of 39.9 gallons per hour. This generator is fired only in the event of a Public Service Company of New Hampshire (“PSNH”) blackout, and for maintenance purposes.

The Pinetree Tamworth facility received a United States Environmental Protection Agency (“EPA”) Prevention of Significant Air Quality Deterioration (“PSD”) permit (Permit No. 040-149NH06) on November 15, 1990. The PSD permit limits are incorporated in this Title V Operating Permit.

II. Permitted Activities:

In accordance with all of the provisions of the New Hampshire Rules Governing the Control of Air Pollution (effective date 12/31/96) and as revised thereafter, Pinetree Tamworth is authorized to operate the devices and or processes identified in Sections III., IV., V., and VI. within the terms and conditions specified in this Permit.

III. Significant Activities Identification and Stack Criteria:

A. Significant Activity Identification

The activities identified in the following table (Table 1) are subject to and regulated by this Title V Operating Permit:

Table 1 - Significant Activity Identification			
Emission Unit Number (EU#)	Description of Emission Unit	Exhaust Stack Identification	Emissions Unit Maximum Design Capacity
EU1 - Boiler	Zurn Two Drum Waterwall Wood-fired Boiler	Stack #1	Maximum Firing Rate of 404.13 mmBTU/hr derived from whole tree wood chips
EU2 - EG	Caterpillar Emergency Diesel Generator, Model #3412	Stack #2	745 hp operating less than 500 hours per year, max firing rate of 4.9 mmBTU/hr, 39.9 gal/hr of diesel; sulfur content limit of 0.4%.
EU3 - Cooling Tower	Circulation Water Cooling Tower	Cooling Tower	Drift Factor = 0.0002 gal drift/gal circ Circulation Rate = 26,000 gpm

III. Significant Activities Identification and Stack Criteria (continued):

1. Based on equipment design, the maximum operating rate of the EU1 - Boiler shall be limited to a total of 404.13 mmBTU/hr gross heat input.
2. In accordance with Pinetree Tamworth's federal PSD permit (No. 040-149NH06), Pinetree Tamworth shall burn in the EU1 - Boiler only wood chips uncontaminated by glues, preservatives, oils, or similar foreign substances in the boiler. Pinetree shall notify the EPA and the DES and obtain written EPA and DES approval of all proposed sources of wood fuel other than wood chips, and of the nature of said fuels, prior to the securing of any purchase/utilization agreements for said fuels.
3. Based on equipment design and 365 operating days per year, the maximum wood consumption by the EU1 - Boiler shall be limited to 416,494 tons wet basis of whole tree wood chips at approximately 50% moisture (4,250 BTU/lb) during any consecutive twelve month period. This is equivalent to 220,000 lbs/hr of steam production as averaged over any consecutive 24-hour period at 900 degrees F and 700 PSIG, assuming a boiler efficiency of 71.47% and boiler feedwater temperature of 405 degrees F.

B. Stack Criteria

The following stacks for the above listed significant devices at Pinetree Tamworth shall discharge vertically without obstruction (including rain caps) and meet the following criteria in accordance with the state-only air pollution dispersion modeling requirements specified in Env-A 606.

Table 2 - Stack Criteria		
Stack #	Minimum Stack Height (Feet)	Maximum Stack Diameter (Feet)
Stack #1 - EU1-Boiler	197.5	8.5
Stack #2 - EU2-EG	10.0	0.67

Preauthorized changes to the state-only requirements pertaining to stack parameters (set forth in this permit) shall be permitted only when an air quality impact analysis meeting the criteria of Part Env-A 606 is performed either by Pinetree Tamworth or by the DES (if requested by Pinetree Tamworth in writing) in accordance with the "NHARD Policy and Procedure for Air Quality Impact Modeling". All air modeling data generated by the facility shall be kept on file at Pinetree Tamworth for review by the DES upon request.

IV. Insignificant Activities Identification:

All activities at Pinetree Tamworth that meet the criteria identified in the New Hampshire Rules Governing the Control of Air Pollution Part Env-A 609.03(g), shall be considered insignificant activities. Emissions from the insignificant activities shall be included in the total Pinetree Tamworth emissions for the emission-based fee calculation described in Section XXV. of this Title V Operating Permit.

Insignificant activities at the facility include two liquid propane heaters and a maintenance shop degreasing unit.

V. Exempt Activities Identification:

All activities identified in the New Hampshire Rules Governing the Control of Air Pollution Part Env-A 609.03(c) shall be considered exempt activities and shall not be subject to or regulated by this Title V Operating Permit. These activities include an emergency diesel fire pump rated at 187 hp.

VI. Pollution Control Equipment Identification:

The devices and/or processes identified in Table 3 below are considered pollution control equipment for the identified emissions unit.

Table 3 - Pollution Control Equipment Identification		
Pollution Control Equipment Number (PC#)	Description of Equipment	EU#
PC1-Multiclone	Multiclone - primary particulate control for the EU1 - Boiler	EU1-Boiler
PC2-ESP	Electrostatic Precipitator (ESP) - secondary particulate control for the EU1 - Boiler	EU1-Boiler

- A. All equipment, facilities, and systems installed and used to achieve compliance with the terms and conditions of this permit shall at all times be maintained in good working order and shall be operated as efficiently as possible so as to minimize air pollutant emissions and meet all applicable air pollutant emission limits. These controls shall be fully operational upon Pinetree Tamworth startup and shall not be bypassed during startup, operation, or shutdown of the steam generating unit, except when the stack flow is less than 39,762 DSCFM, as specified in Section X.C.10 of this permit.
- B. The pollution control equipment shall be maintained regularly, in accordance with the manufacturer's Operation and Maintenance ("O&M") manual and based on the schedules as described in Sections VIII.A. and X.A.

VII. Alternative Operating Scenarios:

Pinetree Tamworth did not request any alternative operating scenarios in the Title V permit application.

VIII. Applicable Operational and Emission Limitations:

Pinetree Tamworth is subject to the following operational and emission limitations as contained in this permit.

A. Operational Limitations

1. Based on equipment design, the maximum operating rate of the EU1-Boiler shall be limited to a total of 404.13 mmBTU/hr gross heat input with wood. This is equivalent to 220,000 lbs/hr of steam production as averaged over any consecutive 24-hour period at 900 degrees F and 700 PSIG, assuming a boiler efficiency of 71.47% and boiler feedwater temperature of 405 degrees F.
2. To operationally control CO emissions in accordance with Env-A 305, Pinetree Tamworth shall comply with the following operational limitations.

Pinetree Tamworth shall control CO emissions by varying the total quantity of input combustion air and/or the local distribution of that air into the EU1 - Boiler. The amount of combustion air required to optimize the EU1 - Boiler efficiency and reduce CO emissions is dependent on the wood moisture content and the type of wood, among other factors. The steam generating unit shall be equipped with fuel distribution, overfire air, and undergrate air control systems for optimum NO_x and CO emission control.

B. State-Only Applicable Emission Limitations

1. The facility shall comply with the national ambient air quality standards and the applicable requirements of RSA 125-C:6, RSA 125-C:11, and Env-A 606.04. These sections include, but are not limited to, descriptions of the powers and duties of the commissioner, and requirements for adherence to permit application procedures and air pollutant dispersion modeling impact analyses
2. In accordance with Env-A 1002.03, Pinetree Tamworth shall take precautions to prevent, abate, and control the emission of fugitive dust for those activities described in Env-A 1002.02. Such precautions shall include wetting, covering, shielding, or vacuuming.
3. In accordance with Env-A 1305.01(a), new or modified devices, new or modified area sources, and existing devices or area sources for which new applications for permits are filed that have the potential to emit, in any amount, substances that meet the criteria of Env-A 1301 shall be subject to Env-A 1300, until such time as the Env-A 1400 requirements supersede the Env-A 1300 requirements.
4. In accordance with Env-A 1305.02, air quality impact analysis of devices and area sources emitting substances meeting the criteria of Env-A 1301 shall be performed in accordance with the "DES Policy and Procedure for Air Quality Impact Modeling" or other comparable dispersion modeling methods approved by EPA.
5. In accordance with Env-A 1403.01, new or modified devices or processes installed after May 8, 1998 shall be subject to the requirements of Env-A 1400.
6. In accordance with 1403.02(a), all existing unmodified devices or processes which are in operation during the transition period ending three years from May 8, 1998 (May 8, 2001) shall comply with either Env-A 1300 or Env-A 1400.
7. In accordance with Env-A 1403.02(b), all existing devices or processes in operation after the

transition period ending three years from May 8, 1998 (May 8, 2001) shall comply with Env-A 1400. Env-A 1300 will no longer be in effect.

8. In accordance with Env-A 1404.01(d), documentation for the demonstration of compliance shall be retained at the site, and shall be made available to the DES for inspection.
9. In accordance with Env-A 1405.02, the owner of an existing device or process requiring a permit modification under Env-A 1400 shall submit to the DES no later than one year prior to the end of the transition period (by May 8, 2000) an application for a modification to a Title V permit in accordance with Env-A 609.18, and a request to the DES to perform air dispersion modeling.
10. In accordance with Env-A 1405.03, the owner of an existing device or process requiring a permit under Env-A 1300 shall submit to the DES no later than one year prior to the end of the transition period (May 8, 2000) a compliance plan identifying how the device or process will comply with chapter Env-A 1400 by the end of the transition period. The compliance plan shall contain the dates when the information required in Env-A 1405.02 will be filed with the DES.
11. In accordance with Env-A 1406.01, the owner of any device or process which emits a regulated toxic air pollutant shall determine compliance with the ambient air limits by using one of the methods provided in Env-A 1406.02, Env-A 1406.03, or Env-A 1406.04. Upon request, the owner of any device or process which emits a regulated toxic air pollutant shall provide documentation of compliance with the ambient air limits to the DES.

C. Federally Enforceable Emission Limitations

1. In accordance with Pinetree Tamworth's federal PSD permit (No. 040-149NH06), annual SO₂ emissions from the facility shall not exceed 40 tons in any consecutive 12-month period.
2. In accordance with Env-A 1211.02(j)(1 and 2), EU2-EG shall be limited to less than 500 hours of operation during any consecutive 12-month period, and the theoretical potential emissions of NO_x from this generator are limited to less than 25 tons for any consecutive 12-month period.
3. In the event that EU2-EG exceeds 500 hours of operation and 25 tons of NO_x emissions in any consecutive 12-month period, it shall become subject to the requirements of Env-A 1211.11.
4. In accordance with 40 CFR Part 52¹ and Env-A 1604.01(a), the sulfur content of diesel fuel burned at this facility shall not exceed 0.40 percent sulfur by weight.

¹ Env-A 402.02(a), effective on December 27, 1990, was adopted as part of the State Implementation Plan (SIP) on September 14, 1992 and is still considered federally enforceable until such time as the SIP is amended and approved by the EPA.

5. In accordance with 40 CFR Part 52 ², the sulfur content of gaseous fuels burned at this facility shall not exceed 5 grains per 100 cubic feet of gas, calculated as hydrogen sulfide at standard temperature and pressure.
6. In accordance with Env-A 2003.08, emissions of particulate matter from EU2-EG shall not exceed 0.30 lb/mmBtu.
7. In accordance with Pinetree Tamworth's federal PSD permit (No. 040-149NH06), startup and shutdown periods for the EU1-Boiler are defined as follows:
 - a. Startup periods are those periods of time from the initiation of wood firing until the unit reaches steady-state operation (85% to 100% load conditions). This period shall not exceed 8 hours (480 minutes) for a cold startup, nor 4 hours (240 minutes) for a hot startup. A cold startup shall be defined as startup when the EU1-Boiler has been down for more than 24 hours.
 - b. Shutdown periods shall not exceed 4 hours (240 minutes) from the moment the wood fuel supply to the EU1- Boiler is eliminated.
 - c. The number of hours that the EU1-Boiler can operate in a startup or shutdown mode shall not exceed 15% of the total operating hours of the plant.
8. In accordance with Pinetree Tamworth's federal PSD Permit No. 040-149NH06, Pinetree Tamworth is subject to the following opacity limits:
 - a. Startup/Shutdown Conditions

Pinetree shall not cause or allow visible emissions from the EU1-Boiler to exceed 20 percent (6-minute average), except for one 6-minute average per hour of not more than 27 percent opacity.
 - b. Steady State Operating Conditions

Pinetree shall not cause or allow visible emissions from EU1 to exceed 15 percent (6-minute average), except for one 6-minute average per hour of not more than 27 percent opacity.

Pinetree shall not cause or allow visible emissions from EU2 to exceed 20%, in accordance with Env-A 2003.02.
 - c. Opacity shall be determined in accordance with procedures set forth in 40 CFR Part 60, Appendix A, Method 9 during opacity Continuous Emissions Monitoring System (CEMS) down times.

² Env-A 402.03, effective on December 27, 1990, was adopted as part of the State Implementation Plan (SIP) on September 14, 1992 and is still considered federally enforceable until such time as the SIP is amended and approved by the EPA.

9. In accordance with the requirements of Pinetree Tamworth's federal PSD permit (No. 040-149NH06), the NO_x emission rate from the EU1- Boiler shall be limited to 107.10 pounds of NO_x per hour (lbs/hr) and 0.265 lbs NO_x/mmBTU, as averaged over any consecutive 24-hour period. Compliance with this emission limit shall be demonstrated using the NO_x CEMS data.³
10. In accordance with the requirements of Pinetree Tamworth's federal PSD permit (No. 040-149NH06), during steady state operating conditions, the carbon monoxide ("CO") emission rate for Pinetree Tamworth's boiler EU1 shall be limited to 0.5 lb/mmBTU heat input and 202.10 lbs/hr as averaged over any consecutive 24-hour period. Compliance with this emission limit shall be demonstrated using the CO CEMS data. CEMS requirements are described in Section X.B. of this permit.
11. In accordance with Pinetree Tamworth's federal PSD permit (No. 040-149NH06), the PM emission rate for the EU1 - Boiler shall be limited to 0.025 lb/mmBTU heat input and 10.10 lb/hr at all times.
12. In accordance with Pinetree Tamworth's federal PSD permit (No. 040-149NH06), the volatile organic compound ("VOC") emission rate for the EU1 - Boiler shall be limited to 0.096 lb/mmBTU heat input and 38.80 lb/hr at all times.
13. In accordance with Pinetree Tamworth's federal PSD permit (No. 040-149NH06), Pinetree shall not allow fugitive emissions from the facility to exceed 5% opacity at any time. Pinetree shall continuously clean and maintain the facility to minimize fugitive particulate matter emissions. The fugitive emission control plan prepared and submitted to the EPA following issuance of the facility PSD permit shall be reviewed on an annual basis and updated as needed to accurately reflect facility conditions.

IX. Emission Reductions Trading Requirements:

Pinetree Tamworth did not request emissions reductions trading in the Pinetree Tamworth operating permit application. At the time of this permit preparation, the DES did not include any permit terms authorizing emissions trading in this permit. All emissions reductions trading must be authorized under the applicable requirements of either Env-A 3000 (the "Emissions Reductions Credits (or ERCs) Trading Program") or Env-A-3100 (the "Discrete Emissions Reductions (or DERs) Trading Program") and 42 U.S.C. §7401 et seq. (The "Act"), and must be provided for in this Permit.

X. Compliance Demonstration Requirements:

Pinetree Tamworth is subject to the monitoring/testing, record keeping, and reporting requirements as follows. The pollution control equipment and EU1 - Boiler shall be monitored and maintained in accordance with the appropriate manufacturers' O&M manuals.

- A. The facility shall refer to the standard operating practices and the manufacturer's O&M manual for

³ This device is subject to both the PSD limit of 0.265 lb NO_x/mmBtu, and to the NO_x RACT limit of 0.33 lb NO_x/mmBtu (Env-A 1211.04(d) and Env-A 1211.05(d)(5)), although the PSD limit shall take priority as the most stringent federally enforceable limit.

any additional information.

B. Monitoring/Testing Requirements for Total Suspended Particulate Controls
(Regulatory cite - Env-A 806.01(a) (rule effective 6/30/95) and 40 CFR Part 70.6(a)(3))

1. PC1 - Multiclone - Monitoring and Testing Requirements

The PC1-Multiclone shall be operated in series with the PC2-ESP unit (i.e., emissions from the Multiclone shall be vented to the ESP).

- a. Conduct monitoring of pressure differential across the PC1 - Multiclone unit every two hours. An acceptable pressure differential shall be in accordance with standard operating practices and manufacturer's recommended operating parameters and shall be maintained between 2 inches and 8 inches of water column. Pressure differential readings shall be recorded on standard forms and kept on file at Pinetree Tamworth for review by the DES upon request. The standard forms shall include the acceptable operating parameters for quick reference by Pinetree Tamworth personnel.
- b. Pinetree Tamworth personnel shall conduct a daily inspection for visible emissions of the PC1 - Multiclone unit to observe leaks using EPA Method 22, found in 40 CFR Part 60, Appendix A. If a leak(s) is observed, Pinetree Tamworth personnel shall take immediate steps to repair the leak. Daily observations, maintenance, and repairs performed to the unit shall be recorded in the log book.
- c. During down-time maintenance periods, Pinetree Tamworth personnel shall inspect inlet and outlet vanes and boots for any build up of caked dust. All caked dust shall be removed during each down-time maintenance period. Maintenance and repair activities shall be recorded in the log book.
- d. Observations of operating parameters outside of the standard operating practices included in this permit shall be recorded, investigated, and corrected immediately. If this results in an exceedance of the requirements found in Section VIII. of this permit, Pinetree Tamworth personnel shall contact the DES within 8 hours in accordance with Section XXX. of this permit.

2. PC2 - ESP - Monitoring and Testing Requirements

The PC2-ESP is used to control particulate matter emissions from the EU1 Boiler.

a. Bi-Hourly Monitoring/Testing Requirements:

In accordance with Pinetree Tamworth's O&M manual and standard operating practices for this equipment, on a bi-hourly basis, Pinetree Tamworth personnel shall:

- i. Check and record the secondary voltage and pressure drop readings on the PC2 - ESP. The secondary voltage shall be maintained between 3 and 60 kv and the pressure drop across the PC2-ESP shall be maintained between 0-2 inches of water column. Voltage or pressure drop readings outside these ranges indicate a malfunction with the PC2- ESP, and the operator shall

correct the malfunction immediately.

- ii. The Pinetree Tamworth operator shall respond to all equipment alarms immediately.
- iii. Bi-hourly monitoring data shall be recorded daily on standard forms and kept on file at Pinetree Tamworth for review by the DES upon request. The standard forms shall include the acceptable operating parameters for quick reference by Pinetree Tamworth personnel.
- iv. Observations of operating parameters outside of the standard operating practices included in this permit shall be recorded, investigated, and corrected immediately. If this results in an exceedance of the requirements found in Section VIII. of this permit, Pinetree Tamworth personnel shall contact the DES within 8 hours in accordance with Section XXX. of this permit.

b. Daily Monitoring/Testing Requirements

- i. The PC2-ESP shall be inspected at least once each shift. The casing, piping, and ducts shall be inspected for leaks, abnormal noise, hot spots, and fires. Local instrumentation shall be monitored for normal values. The local control panel shall be monitored for proper indication of normal values and alarms.
- ii. Observations of operating parameters outside of the standard operating practices included in this permit shall be recorded, investigated, and corrected immediately. If this results in a permit limit exceedance, Pinetree Tamworth personnel shall contact the DES within 8 hours in accordance with Section XXX. of this permit.

3. Stack Testing Requirements

At such times specified by the DES, Pinetree Tamworth shall conduct USEPA method compliance stack tests for emissions at maximum production rate conditions and/or, at the request of the DES, at any other production rate at which maximum emissions might occur.

If a stack test is requested, the emissions stack test shall be conducted in accordance with 40 CFR Part 60, Section 60.8, Appendix A, and the DES' policy "Procedures and Minimum Requirements for Stack Tests".

Compliance testing shall be planned and carried out in accordance with the following schedule. At least 30 days prior to the commencement of testing, Pinetree Tamworth shall submit to the DES a pre-test report presenting the following information:

- a. Calibration methods and sample data sheets;
- b. Description of the test methods to be used;

- c. Pre-test preparation procedures;
- d. Sample collection and analysis methods;
- e. Process data to be collected; and
- f. Complete test program description.

If requested by the DES, at least 15 days prior to the test date, Pinetree Tamworth, and any contractor that Pinetree Tamworth retains for performance of the test, shall participate in a pre-test conference with a DES representative. Emission testing shall be carried out under the observation of a DES representative. Within 60 days after completion of testing, Pinetree Tamworth shall submit a test report to the DES.

Any emission rates determined following specified compliance stack testing which show violations of the emission limitations shall be considered violations of this permit.

5. Stack Inspections

In accordance with 40 CFR 70.6(a)(3), Pinetree Tamworth shall conduct annual visual inspections of each stack and fuel burning device. Annual inspections shall include a thorough inspection of the condition of each stack exterior and each fuel burning device. Every 5 years, Pinetree Tamworth shall inspect the interior of each stack for evidence of corrosion, cracks, or holes. Records of inspections and subsequent maintenance conducted as a result of the annual inspections shall be kept on file at Pinetree Tamworth for review by the DES and/or the EPA upon request.

C. CEMS Monitoring/Testing Requirements (Regulatory Cite - Env-A 805.02 (rule effective and 40 CFR Part 70.6(a)(3))

Pinetree Tamworth shall install, maintain, and operate the following CEMS systems in the EU1-Boiler exhaust piping, unless otherwise noted.

1. Opacity CEMS

The opacity CEMS system shall be installed on the ESP outlet. This system shall meet the requirements of 40 CFR Part 60, Appendix B, Performance Specification 1, and Env-A 805 (rule effective 11/15/92). Determination of compliance with the opacity limits established in Section VIII.C. of this permit shall be made by the plant opacity CEMS or, during any CEMS downtime, by visible emission readings taken once per shift following the procedures specified in 40 CFR Part 60, Appendix A, Method 9. Calculations shall be performed as specified in Section X.C.8. of this permit.

2. NO_x CEMS

The NO_x CEMS shall meet the requirements of 40 CFR Part 60, Appendix B, Performance Specification 2, and Env-A 805 (rule effective 11/15/92). Determination of compliance with the NO_x emission limits established in Section VIII.C. of this permit shall be made by the plant NO_x CEMS. The NO_x emission rate shall be calculated daily as the average of the

calendar day averages as calculated on the plant NO_x CEMS. Calculations shall be performed as specified in Section X.C.8. of this permit.

3. CO CEMS

The CO CEM system shall meet the requirements of 40 CFR Part 60, Appendix B, Performance Specification 4, and Env-A 805 (rule effective 11/15/92). Determination of compliance with the CO emission limits established in Section VIII.C. of this permit shall be made by the plant CO CEMS. The CO emission rate shall be calculated daily as the average of the calendar day averages as calculated on the plant CO CEMS. Calculations shall be performed as specified in Section X.C.8. of this permit.

4. Oxygen ("O₂") CEMS

The O₂ CEM system shall meet the requirements of 40 CFR Part 60, Appendix B, Performance Specification 3, and Env-A 805 (rule effective 11/15/92).

5. Volumetric Flow CEMS

The stack volumetric flow measuring device shall meet all of the requirements of 40 CFR Part 60, Appendix B, Performance Specification 6. The stack flow monitor shall have an automatic blow-back purge system installed and activated during all times of boiler operation. The stack volumetric flow measuring device combined with the concentration CEMS equipment for CO and NO_x shall be used to calculate mass emission rates for comparison with the emission standard specified in permit condition VIII.C. The stack volumetric flow monitor shall also meet the following requirements:

- a. All differential pressure flow monitors shall have an automatic blow-back purge system installed and in wet stack emissions shall have the capability for drainage of the sensing lines.
- b. The stack flow monitoring system shall have the capability for on-line manual transducer calibration and for a zero check.
- c. The stack flow monitoring system shall be capable of displaying the individual parameters used in the stack flow calculation. For example, a differential pressure monitoring system shall be able to display instantaneous values of differential pressure, stack temperature, and relevant constants used in the calculation which reflect the static pressure assumed, gas molecular weight assumed, and the pitot tube coefficient utilized.

6. Steam Flow CEMS

Pinetree Tamworth shall install, maintain, and operate a continuous steam flow rate monitoring/recording system on the boiler output steam pipe which shall meet all applicable ASME specifications. Calibration of the steam flow transducer shall occur at least once annually **in accordance with manufacturer's specifications**. Pinetree Tamworth may use a steam flow rate monitoring system that can be calibrated by

instruments installed, maintained, and calibrated per ASME specifications or by other methods approved by the DES.

7. To meet the requirements of Section VIII.C.7.(c), the facility shall record the number of hours that the facility is operated in startup or shutdown modes, the total number of hours in operation, and the total number of hours that the facility is down for maintenance and repairs. This information shall be used to demonstrate that the number of hours that the EU1-Boiler operates in a startup or shutdown mode does not exceed 15% of the total operating hours of the plant.
8. Calculations:
 - a. CEMS calendar day averages shall be calculated as follows:
 - i. Calendar Day average = (sum of all valid hourly averages for the calendar day)/(24 - hours of CEM system downtime for the day);
 - ii. Calendar day averages shall only be valid for days with 18 or more valid hours of CEMS data;
 - iii. A valid hour of CEMS data shall be defined as a minimum of 45 minutes collection of CEMS readings taken in a calendar hour; and
 - iv. Hours of CEM system downtime shall be defined as the number of calendar hours when the CEM system has not collected data or is out-of-control for greater than 15 minutes for any reason (i.e., audits, CEM system calibration, CEM system failures, etc.). "Out of control" periods are defined in 40 CFR 60, Appendix F.
 - b. CEMS consecutive 365-day averages shall be calculated as follows:
 - i. Consecutive 365-day average = (sum of all valid calendar day averages for the 365-day period)/(365 - days of CEM system downtime); and
 - ii. Days of CEM system downtime shall be defined as the number of calendar days when the CEM system has collected less than 18 valid hours of CEMS data.
 - c. Hours or days when the CEM system has been intentionally shutdown when Pinetree Tamworth is not operating shall not be counted as CEM system downtime. The facility shall document all plant operating hours during which any required CEMS is not operational.
9. Pinetree Tamworth shall be subject to all of the CEMS requirements of Env-A 805 (rule effective 11/15/92) which shall include, but not be limited to: quarterly audit requirements, excess emission report requirements, quality control written procedure requirements for gaseous CEMS monitors, and record keeping requirements. The specific record keeping and reporting requirements are described in Sections X.E. and X.F. of this permit.

10. Pinetree Tamworth shall continuously monitor and record data from the gaseous, volumetric flow, and steam flow CEM systems during all periods of operation, including periods of startup, shutdown, malfunctions, or emergency conditions, except when the stack flow is less than **39,762 DSCFM**. The opacity CEMS shall be continuously monitoring and recording data during all periods of operation, regardless of the stack flow rate.
11. Excess emissions indicated by the CEM system shall be considered violations of the applicable emission limit for purposes of this permit, except where Pinetree Tamworth can adequately demonstrate to the DES that the recorded exceedance resulted from a CEMS malfunction.

D. Compliance Demonstration Requirements for the EU3 - Cooling Tower - State Enforceable Only

1. In accordance with Env-A 1400, prior to changing cooling water treatment chemicals, Pinetree Tamworth shall evaluate the impact of the proposed chemicals on the 24-hour and annual de minimus limits of the DES Air Toxics List. If the impact exceeds the de minimus 24-hour or annual levels, Pinetree Tamworth shall notify the DES in writing of the proposed chemical changes, and shall either perform modeling or request the DES to perform modeling of the proposed substance. Written approval from the DES shall be received prior to making the chemical change, if the de minimus levels are exceeded. If the impact does not exceed the de minimus levels, Pinetree Tamworth may make the chemical change and shall keep the records of the impact analysis in the Pinetree Tamworth files in accordance with the record keeping requirements of Section X.D. of this permit.
2. The following equations shall be used to evaluate the impact of cooling water chemicals on the 24-hour and annual de minimus levels. These equations shall be used for each chemical used in the cooling water that is included on the DES Air Toxics List. Also, these equations shall be used to estimate particulate emissions from both chemical additives to the water and total dissolved solids contained in the water for emission-based fees as described in Section XXV. of this permit.

$$\text{24-hour Emissions (lb/hr)} = (\text{DR}) * (\text{Hourly CR}) * (8.34 \text{ lb/gal}) * (\text{C})$$

Example Calculation: 24-hour emissions of total dissolved solids (lb/hr)

$$= \frac{(0.0002 \text{ gal/gal}) * (1,560,000 \text{ gal/hr}) * (8.34 \text{ lb/gal}) * (1200 \text{ ppmw TDS})}{1 \times 10^6}$$

$$= \underline{3.1225 \text{ lb/hr TDS}}$$

$$\text{Annualized Emissions (lb/yr)} = (\text{24-hour Emissions, lb/hr}) * (\text{Operating hours/year})$$

Example Calculation: Annualized emissions of TDS (lb/yr) = $\frac{(3.1225 \text{ lb/hr}) * (8760 \text{ hrs/yr})}{(2000 \text{ lb/ton})}$

$$= \underline{13.68 \text{ tons/yr TDS}}$$

Where: DR = drift rate for cooling tower (based on manufacturer's data for Pinetree Tamworth cooling tower),
gal drift/gal circulation water (0.0002 gal/gal)

Hourly CR = water circulation rate, gal/hr

C = concentration of chemical of interest (or total dissolved solids concentration) in circulation water, ppmw (use maximum potential concentration for de minimus impact evaluation and average or actual data for emission-based fee calculations).

E. Record keeping Requirements

1. In accordance with 40 CFR Part 70.6(a)(3)(ii)(B), Pinetree Tamworth shall retain records of all required monitoring data, record keeping and reporting requirements, and support information for a period of at least 5 years from the date of the origination. These data and reports shall not be discarded, removed, or destroyed thereafter without the express written approval of the director in accordance with Env-A 901.11 (rule effective 11/16/89).
2. In accordance with 40 CFR 70.6(c)(5), Pinetree Tamworth shall meet the requirements for compliance certification with terms and conditions contained in this permit, including emission limitations, standards, or work practices. Compliance certifications shall meet the requirements outlined in Section XXIII. of this permit.
3. Pursuant to Env-A 901.03 (rule effective 11/16/89), for each fuel burning device at Pinetree Tamworth, the owner or operator shall keep records on fuel utilization in accordance with the following:
 - a. Monthly records of all fuel utilization for each fuel burning device at Pinetree Tamworth shall include:
 - i. Consumption of each fuel type per calendar month and a consecutive 12-month total;
 - ii. Fuel type;
 - iii. Viscosity;
 - iv. Sulfur content as percent sulfur by weight of fuel; and
 - v. BTU content per gallon of fuel.
 - b. Delivery tickets from each fuel oil supplier for each shipment of fuel oil and/or diesel fuel received shall be kept on file in a form suitable for inspection and shall be made available to the DES and/or the EPA upon request. Each delivery ticket shall indicate the name, address, and telephone number of the fuel supplier, the quantity of fuel delivered, and the percent sulfur by weight of the fuel being delivered. If delivery tickets do not contain sulfur content of fuel being delivered, Pinetree Tamworth shall perform testing in accordance with appropriate ASTM test methods to determine compliance with the sulfur content limitation provisions in Env-A 1604.01(a) for liquid fuels.
 - c. As specified in Env-A 809.02 (rule effective 5/29/97), the operator shall (upon

written request by the DES) conduct testing in accordance with appropriate ASTM test methods to determine compliance with the sulfur content limitation provisions in Env-A 1605.01 for gaseous fuels. If requested, such information shall be submitted to DES.

- d. Records shall be kept of hours of operation corresponding to the utilization and distribution of all fuels.

4. NO_x Record keeping Requirements

In accordance with Env-A 901.08 (rule effective 11/16/89), for each fuel burning device, including boilers, turbines, and internal combustion engines, the following information shall be recorded and maintained:

- a. Pinetree Tamworth information, including:
 - i. Source name;
 - ii. Source identification;
 - iii. Physical address;
 - iv. Mailing address;
 - v. Date of origination for reports;
 - vi. Pinetree Tamworth contact and title;
 - vii. Pinetree Tamworth telephone number;
- b. Identification of each fuel burning device at Pinetree Tamworth.
- c. Operating schedule information for each identified fuel burning device, including:
 - i. Days per calendar week during the normal operating schedule;
 - ii. Hours per day during the normal operating schedule and for a typical ozone season day, if different from the normal operating schedule; and
 - iii. Hours per year during the normal operating schedule.
- d. Type and amount of fuel burned, for each fuel burning device, during normal operating conditions and for a typical ozone season day⁴, if different from normal operating conditions, on an hourly basis in mmBTU/hr.
- e. The following NO_x emission data, including records of total annual emissions, in tons

⁴ Typical ozone season day is defined as any day between April 1 and October 31.

per year (tpy), and typical ozone season day emissions, in pounds per day (lbs/day), shall be maintained at Pinetree Tamworth for a minimum of 4 years:

- i. Theoretical potential emissions for the calculation year for each fuel burning device; and
- ii. Actual NO_x emissions for each fuel burning device.

F. Reporting Requirements

1. In accordance with Env-A 901.09(b) (rule effective 11/16/89), NO_x emission data for all Pinetree Tamworth fuel burning devices shall be reported to the DES annually by April 15 of the following year. The NO_x emissions for the EU1-Boiler shall be collected from the applicable CEMS data. The NO_x emissions for EU2-EG shall be based on NO_x record keeping requirements and calculations using EPA-published emission factors.

2. Malfunction Reporting

In accordance with Env-A 902.02 (rule effective 11/16/89) and 40 CFR Part 70.6(a)(3)(iii)(B), the owner or operator shall notify the DES of a malfunction or breakdown of air pollution control equipment within 8 hours of each such occurrence, as described in Section XXX. of this permit.

3. Fuel Usage Reporting

In accordance with Env-A 901.03 (rule effective 11/16/89), monthly fuel usage information, by device, fuel type, and sulfur content shall be submitted in writing to the DES on a quarterly basis within 30 days after the end of the quarter for which reporting is required.

4. Excess Emission Reporting

In accordance with Env-A 805 (rule effective 11/15/92), within 30 days following the close of each calendar quarter, Pinetree Tamworth shall submit to the DES excess emission reports for the EU1 - Boiler containing information specified in Env-A 805 (rule effective 11/15/92), as well as the following information:

- a. Calendar daily averages of NO_x and CO lb/hr and part per million (ppm) dry, whether or not an excess emission has occurred;
- b. Calendar daily averages of percentage oxygen (O₂) on a dry basis;
- c. Calendar daily averages of steam generation rate;
- d. Calendar daily averages of stack flow (dscfm);
- e. Average steam production rate for each consecutive 24-hour period where the production rate exceeds any of the limits set forth in Section VIII.A. of this permit;
- f. CEM system availability data;

- g. Estimated amount in tons (wet basis) of wood chip consumption per month and a consecutive twelve month total;
- h. Amount in gallons of fuel consumption per calendar month where the fuel usage cap set forth in Section VIII.A. of this permit has been exceeded; and
- i. All periods of gaseous, opacity, and steam flow rate exceedances including start time, end time, and magnitude and cause of the exceedance. This shall include exceedances of the consecutive 24-hour average limits for NO_x and CO, as measured by the CEM systems.

5. CEMS Audit Reporting

Within 30 days following the close of each calendar quarter, Pinetree Tamworth shall submit to the DES a CEMS audit report for all audits conducted as specified in Env-A 805.06 (rule effective 11/15/92) and Section X.C. of this permit.

- 6. In accordance with 40 CFR 70.6(a)(3)(iii)(A), a summary report of monitoring and testing requirements shall be submitted every six months. Semi-annual reports shall be submitted no later than July 31 for the January through June report and no later than January 31 for the July through December report. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified for accuracy by a responsible official consistent with 40 CFR 70.5(d). Thus, all required reports shall include the certification of accuracy statement included in Section XXIII.B. of this permit.

The report shall contain a summary of the following information:

- a. Monitoring and preventive maintenance results for control devices PC1 and PC2.
 - b. Preventive maintenance and inspection results for EU1-Boiler, EU2-EG, and related stacks.
 - c. All instances of deviations from permit requirements shall be clearly identified.
- 7. Calculation and payment of emission based fees shall be conducted in accordance with Section XXV. of this Permit.
 - 8. An annual compliance certification as presented in Section XXIII. of this Permit shall be submitted to the DES and the USEPA by April 15 following each reporting year.
 - 9. Pursuant to 40 CFR Part 70.6 (c)(1), all documents submitted to the DES and/or the EPA shall contain certification by the responsible official of truth, accuracy, and completeness as described in Section XXIII.B. of this permit.

XI. Requirements Currently Not Applicable:

Pinetree Tamworth did not request that any non-applicable requirements be specifically listed in this permit.

General Title V Operating Permit Conditions

XII. Issuance of a Title V Operating Permit:

- A. This Permit is issued in accordance with the provisions of Part Env-A 609. In accordance with 40 CFR 70.6(a)(2) this Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date five (5) years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the Permittee's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

- B. Pursuant to Env-A 609.02(b), this Permit shall be a state permit to operate as defined in RSA 125-C:11, III.

XIII. Title V Operating Permit Renewal Procedures:

Pursuant to Env-A 609.06(b), an application for renewal of this Permit shall be considered timely if it is submitted to the Director at least six months prior to the designated expiration date of this Permit.

XIV. Application Shield:

Pursuant to Env-A 609.07, if an applicant submits a timely and complete application for the issuance or renewal of a Permit, the failure to have a Permit shall not be considered a violation of this part until the Director takes final action on the application.

XV. Permit Shield:

- A. Pursuant to Env-A 609.08(a), a permit shield shall provide that:
1. For any applicable requirement or any state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically included in this Permit, compliance with the conditions of this Permit shall be deemed in compliance with said applicable requirement or said state requirement as of the date of permit issuance; and
 2. For any potential applicable requirement or any potential state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically identified in this Title V Operating Permit as not applicable to the stationary source or area source, the Permittee need not comply with the specifically identified federal or state requirements.
- B. The permit shield identified in Section XV.A. of this Permit shall apply only to those conditions incorporated into this Permit in accordance with the provisions of Env-A 609.08(b). It shall not apply to certain conditions as specified in Env-A 609.08(c) that may be incorporated into this Permit following permit issuance by the DES.
- C. If a Title V Operating Permit and amendments thereto issued by the DES does not expressly include or exclude an applicable requirement or a state requirement found in the New Hampshire Rules Governing the Control of Air Pollution, that applicable requirement or state requirement shall not be covered by the permit shield and the Permittee shall comply with the provisions of said

requirement to the extent that it applies to the Permittee.

- D. If the DES determines that this Title V Operating Permit was issued based upon inaccurate or incomplete information provided by the applicant or Permittee, any permit shield provisions in said Title V Operating Permit shall be void as to the portions of said Title V Operating Permit which are affected, directly or indirectly, by the inaccurate or incomplete information.
- E. Pursuant to Env-A 609.08(f), nothing contained in Section XVI. of this Permit shall alter or affect the ability of the DES to reopen this Permit for cause in accordance with Env-A 609.18, or to exercise its summary abatement authority.
- F. Pursuant to Env-A 609.08(g), nothing contained in this section or in any Title V operating permit issued by the DES shall alter or affect the following:
 - 1. The ability of the DES to order abatement requiring immediate compliance with applicable requirements upon finding that there is an imminent and substantial endangerment to public health, welfare, or the environment;
 - 2. The State of New Hampshire's ability to bring an enforcement action pursuant to RSA 125-C:15, II;
 - 3. The provisions of Section 303 of the Act regarding emergency orders including the authority of the EPA Administrator under that section;
 - 4. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
 - 5. The applicable requirements of the acid rain program, consistent with Section 408(a) of the Act;
 - 6. The ability of the DES or the EPA Administrator to obtain information about a stationary source, area source, or device from the owner or operator pursuant to Section 114 of the Act; or
 - 7. The ability of the DES or the EPA Administrator to enter, inspect, and/or monitor a stationary source, area source, or device.

XVI. Reopening for Cause:

The Director shall reopen and revise a Title V Operating Permit for cause if any of the circumstances contained in Env-A 609.18(a) exist. In all proceedings to reopen and reissue a Title V Operating Permit, the Director shall follow the provisions specified in Env-A 609.18(b) through (g).

XVII. Administrative Permit Amendments:

- A. Pursuant to Env-A 612.01, the Permittee may implement the changes addressed in the request for an administrative permit amendment as defined in Part Env-A 100 immediately upon submittal of the request.

- B. Pursuant to Env-A 612.01, the Director shall take final action on a request for an administrative permit amendment in accordance with the provisions of Env-A 612.01(b) and (c).

XVIII. Operational Flexibility:

- A. Pursuant to Env-A 612.02(a), the Permittee subject to and operating under this Title V Operating Permit may make changes involving trading of emissions under this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application for and obtaining an amended Title V Operating Permit, provided that all the conditions are met as specified in Section XVIII.A.1. through 7. of this permit and a notice is submitted to the DES and the EPA describing the intended changes. The DES has not included any permit terms authorizing emissions trading in this permit.
1. The change is not a modification under any provision of Title I of the Act;
 2. The change does not cause emissions to exceed the emissions allowable under the Title V operating permit, whether expressed therein as a rate of emissions or in terms of total emissions;
 3. The owner or operator has obtained any temporary permit required by Env-A 600;
 4. The owner or operator has provided written notification to the director and administrator at least 15 days prior to the proposed change and such written notification includes:
 - a. The date on which each proposed change will occur;
 - b. A description of each such change;
 - c. Any change in emissions that will result and how this change in emissions will comply with the terms and conditions of the permit;
 - d. A written request that the operational flexibility procedures be used; and
 - e. The signature of the responsible official, consistent with Env-A 605.04(b);
 5. The Title V operating permit issued to the stationary source or area source already contains terms and conditions including all terms and conditions which determine compliance required under 40 CFR 70.6(a) and (c) and which allow for the trading of emissions increases and decreases at the permitted stationary source or area source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements;
 6. The owner or operator has included in the application for the Title V operating permit proposed replicable procedures and proposed permit terms which ensure that the emissions trades are quantifiable and federally enforceable for changes to the Title V operating permit which qualify under a federally-enforceable emissions cap that is established in the Title V operating permit independent of the otherwise applicable requirements; and
 7. The proposed change complies with Env-A 612.02(e).

- B. Pursuant to Env-A 612.02(c), the Permittee subject to and operating under this Title V Operating Permit may make changes not addressed or prohibited by this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application, provided that all the conditions specified in Env-A 612.02(c)(1) through (6) are met and a notice is submitted to the DES and the EPA describing the intended changes.
- C. Pursuant to Env-A 612.02(d), the Permittee, Operator, Director, and Administrator shall attach each notice of an off-permit change completed in accordance with Section XVIII.B. of this Title V Operating Permit to their copy of the current Title V Operating Permit.
- D. Pursuant to Env-A 612.02(e), any change under Section XVIII. shall not exceed any emissions limitations established under the New Hampshire Rules Governing the Control of Air Pollution, or result in an increase in emissions, or result in new emissions, of any toxic air pollutant or hazardous air pollutant other than those listed in the existing Permit.
- E. Pursuant to Env-A 612.02(f), the off-permit change shall not qualify for the permit shield under Env-A 609.08.

XIX. Minor Permit Amendments:

- A. Pursuant to Env-A 612.04 prior to implementing a minor permit modification, the Permittee shall submit a written request to the Director in accordance with the requirements of Env-A 612.04(b).
- B. The Director shall take final action on the minor permit amendment request in accordance with the provisions of Env-A 612.04(c) through (g).
- C. Pursuant to Env-A 612.04(g), the permit shield specified in Env-A 609.08 shall not apply to minor permit amendments under Section XIX. of this Permit.
- D. Pursuant to Env-A 612.04(i), the Permittee shall be subject to the provisions of Part Env-A 614 and Part Env-A 615 if the change is made prior to the filing with the Director a request for a minor permit amendment.

XX. Significant Permit Amendments:

- A. Pursuant to Env-A 612.05, a change at the facility shall qualify as a significant permit amendment if it meets the criteria specified in Env-A 612.05(a)(1) through (7).
- B. Prior to implementing the significant permit amendment, the Permittee shall submit a written request to the Director and to the EPA which includes all the information as referenced in Env-A 612.05(b) and (c), and shall be issued an amended Title V Operating Permit from the DES. The Permittee shall be subject to the provisions of Env-A 614 and Env-A 615 if a request for a significant permit amendment is not filed with the Director and/or the change is made prior to the issuance of an amended Title V Operating Permit.
- C. The Director shall take final action on the significant permit amendment in accordance with the procedures specified in Env-A 612.05(d), (e), and (f).

XXI. Title V Operating Permit Suspension, Revocation, or Nullification:

- A. Pursuant to RSA 125-C:13, the Director may suspend or revoke any final permit issued hereunder if, following a hearing, the Director determines that:
 - 1. The Permittee has committed a violation of any applicable statute or state requirement found in the New Hampshire Rules Governing the Control of Air Pollution, order, or permit condition in force and applicable to it; or
 - 2. That the emissions from any device to which this Permit applies, alone or in conjunction with other sources of the same pollutants, present an immediate danger to the public health.
- B. The Director shall nullify any Permit, if following a hearing in accordance with RSA 541-A:30, II, a finding is made that the Permit was issued in whole or in part based upon any information proven to be intentionally false or misleading.

XXII. Inspection and Entry:

Pursuant to Env-A 614.01, EPA and DES personnel shall be granted access to the facility covered by this Permit, in accordance with RSA 125-C:6, VII for the purposes of: inspecting the proposed or permitted site; investigating a complaint; and assuring compliance with any applicable requirement or state requirement found in the New Hampshire Rules Governing the Control of Air Pollution and/or conditions of any Permit issued pursuant to Chapter Env-A 600.

XXIII. Certifications:

A. Compliance Certification Report

In accordance with 40 CFR 70.6(c) the Responsible Official shall certify, annually from the date of issuance, that the facility is in compliance with the requirements of this permit. The report shall be submitted to the DES and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

In accordance with 40 CFR 70.6(c)(5)(B), the report shall describe:

- 1. The terms and conditions of the Permit that are the basis of the certification;
- 2. The current compliance status of the source with respect to the terms and conditions of this Permit, and whether the method was continuous or intermittent during the reporting period;
- 3. The methods used for determining compliance, including a description of the monitoring, record keeping and reporting requirements, and test methods; and
- 4. Any additional information required by the DES to determine the compliance status of the source.

B. Certification of Accuracy Statement

All documents submitted to the DES shall contain a certification of accuracy statement by the responsible official of truth, accuracy, and completeness. Such certification shall be in accordance with the requirements of 40 CFR 70.5(d) and contain the following language:

"I am authorized to make this submission on behalf of the facility for which the submission is made. Based on information and belief formed after reasonable inquiry, I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

All reports submitted to the DES (except those submitted as emission based fees as outlined in Section XXV. of this permit) shall be submitted to the following address:

New Hampshire Department of Environmental Services
Air Resources Division
64 North Main Street
P.O. Box 2033
Concord, NH 03302-2033
Attn: Compliance Bureau

XXIV. Enforcement:

Any noncompliance with a permit condition constitutes a violation of RSA 125-C:15, and, as to the conditions in this permit which are federally enforceable, a violation of the Clean Air Act, 42 U.S.C. Section 7401 et seq., and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the DES and/or EPA. Noncompliance may also be grounds for assessment of administrative, civil, or criminal penalties in accordance with RSA 125-C:15 and/or the Clean Air Act. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of RSA 125-C, the New Hampshire Rules Governing the Control of Air Pollution, or the Clean Air Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations not addressed in this Permit.

In accordance with 40 CFR 70.6 (a)(6)(ii) a Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

XXV. Emission-Based Fee Requirements:

- A. The Permittee shall pay an emission-based fee annually for this facility as calculated each calendar year pursuant to Env-A 704.03.
- B. The Permittee shall determine the total actual annual emissions from the facility to be included in the emission-based multiplier specified in Env-A 704.03(a) for each calendar year in accordance with the methods specified in Env-A 620.
- C. The Permittee shall calculate the annual emission-based fee for each calendar year in accordance with the procedures specified in Env-A 704.03 and the following equation:

$$\text{FEE} = \text{E} * \text{DPT} * \text{CPI}_{\text{m}} * \text{ISF}$$

Where:

FEE = The annual emission-based fee for each calendar year as specified in Env-A 704.

E = The emission-based multiplier is based on the calculation of total annual emissions as specified in Env-A 704.02 and the provisions specified in Env-A 704.03(a).

DPT = The dollar per ton fee the DES has specified in Env-A 704.03(b).

CPI_m = The Consumer Price Index Multiplier as calculated in Env-A 704.03(c).

ISF = The Inventory Stabilization Factor as specified in Env-A 704.03(d).

- D. The Permittee shall contact the DES each calendar year for the value of the Inventory Stabilization Factor.
- E. The Permittee shall contact the DES each calendar year for the value of the Consumer Price Index Multiplier.
- F. The Permittee shall submit, to the DES, payment of the emission-based fee and a summary of the calculations referenced in Sections XXV.B. and C. of this Permit for each calendar year by October 15th of the following calendar year in accordance with Env-A 704.04.

The emission-based fee and summary of the calculations shall be submitted to the following address:

New Hampshire Department of Environmental Services
 Air Resources Division
 64 North Main Street
 P.O. Box 2033
 Concord, NH 03302-2033
 ATTN: Emissions Inventory

- G. The DES shall notify the Permittee of any under payments or over payments of the annual emission-based fee in accordance with Env-A 704.05.

XXVI. Duty To Provide Information:

In accordance with 40 CFR 70.6 (a)(6)(v), upon the DES's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the DES copies of records that the Permittee is required to retain by this Permit. The Permittee may make a claim of confidentiality as to any information submitted pursuant to this condition in accordance with Part Env-A 103 at the time such information is submitted to DES. The DES shall evaluate such requests in accordance with the provisions of Part Env-A 103.

XXVII. Property Rights:

Pursuant to 40 CFR 70.6 (a)(6)(iv), this Permit does not convey any property rights of any sort, or any exclusive privilege.

XXVIII. Severability Clause:

Pursuant to 40 CFR 70.6 (a)(5), the provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

XXIX. Emergency Conditions:

Pursuant to 40 CFR 70.6 (g), the Permittee shall be shielded from enforcement action brought for noncompliance with technology based⁵ emission limitations specified in this Permit as a result of an emergency⁶. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. The permitted facility was at the time being properly operated;
- C. During the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. The Permittee submitted notice of the emergency to the DES within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

XXX. Permit Malfunctions and Deviations:

- A. Pursuant to Env-A 902.02 (rule effective 11/16/89), the Permittee shall report to the DES all instances of malfunctions or breakdowns by telephone or fax within 8 hours of such an occurrence. This report shall include the description of the malfunction or breakdown itself, including those attributable to upset conditions as defined in the Permit, the probable cause of such malfunction or breakdown, and any corrective actions or preventive measures taken. Said Permit malfunction or breakdown shall also be submitted in writing to the DES and the EPA within fifteen (15) days of documentation of the malfunction or breakdown by facility personnel. As defined by Env-A 101.164 and 40 CFR 60.2, malfunctions are any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual

⁵ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

⁶ An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operations, operator error, or decision to keep operating despite knowledge of any of these things.

manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Reporting a Permit malfunction or breakdown is not an affirmative defense for action brought for noncompliance.

- B. In accordance with 40 CFR 70.6(a)(3)(iii)(B), the Permittee shall report to the DES all instances of deviations from Permit requirements, by telephone or fax, within 24 hours of discovery of such deviation. This report shall include the deviation itself, including those attributable to upset conditions, the probable cause of such deviations, and any corrective actions or preventive measures taken. Said Permit deviation shall also be submitted in writing to the DES and the EPA within fifteen (15) days of documentation of the deviation by facility personnel. Deviations are instances where any Permit condition is violated and has not already been reported as a malfunction or an emergency pursuant to Section XXIX. of this Permit.

Reporting a Permit deviation is not an affirmative defense for action brought for noncompliance.